

REMARKS



Status of the Application and Claims

This is in response to the office action mailed June 1, 2005, and Supplemental office action mailed June 9, 2005. Claims 1-10, 12-14 and 41 were pending in the application. In this response, Claims 1, 12 and 13 have been amended and Claims 7, 14 and 41 have been canceled.

Election/Restriction Requirement

In the office action, Group I claims, Claims 1-10 and 12-13 were held to be drawn to a method of coating and Group II claims, Claim 14 was drawn to an article.

Applicants elect with traverse to prosecute the claims of Group I. Claims 7 and 14 have been canceled.

An election of species was required in regard to Claims 6 and 7. Applicants elected with traverse to the prosecution of Claim 6 and accordingly Claim 7 has been canceled.

In a previous office action Claim 41 was held to be directed to a distinct separate invention and accordingly, that claim has also been canceled.

At a later time Applicants will decide if a divisional application should be filed to cover the subject matter of the non-elected Claims 7, 14 and 41.

Double Patenting Rejection

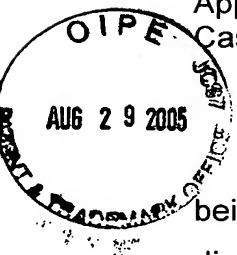
Claims 1, 6 and 10 were rejected under the judicially created double patenting doctrine over Claims 1-2, 5, 7 and 8, of co-pending Serial No. 10/700,384.

Since E.I. DuPont de Nemours and Company owns 100% interest in the subject application and co-pending Serial No. 10/700,384, a terminal disclaimer has been submitted herewith in which the term of any patent issuing from the subject application will terminate on the same date as any patent issuing on co-pending Serial No. 10/700,384.

This terminal disclaimer obviates the double patenting rejection over the claims of co-pending application Serial No. 10/700,384.

Claim Rejections under 35 USC § 112

Claims 12 and 13 as amended should obviate the '112 rejections.



Claim Rejections under 35 USC § 102 and 103

Claims 1, 2, 5, 6, 8-10, 12 and 13 were rejected under 35 U.S.C. 102 (b) as being clearly anticipated by George et al. US 4,061,516. George was stated to be directed to applying a design of an acrylic thermoplastic base coat and an adhesive on a carrier sheet, such as, Mylar® and adhering the coating material to a substrate through heat and pressure from a roller after which the carrier sheet was removed.

To begin with, George is directed to repairing defects in a wood grain design printed on the surface of a furniture component (see Summary of the Invention of George). In contrast, Applicants' process is directed to applying a coating to automotive substrates as set forth in step 1a of applicants amended claims.

George can not anticipate applicants process since George requires the presence of an adhesive layer in the repair multi-layered composition which applicants do not use nor do the claims cover such an adhesive layer. The coated backing foil that applicants apply as set forth in the amended claims is defined as "consisting of a foil coated on one side with an uncured or at least only partially cured coating layer of a thermally curable coating composition". There is no adhesive layer as required by George and hence, George can not anticipate applicants invention.

The following exhibit the difference between George and Applicants' invention:

<u>George Sheet</u>	<u>Applicants' Invention</u>
<u>Mylar® Backing Sheet</u>	<u>Backing Foil</u>
<u>Printed Design</u>	<u>Thermally Curable Coating Composition</u>
<u>Adhesive Layer</u>	

In George the adhesive layer is applied to substrate under heat an pressure.

In applicants' invention the thermally curable coating composition is applied to the substrate and then thermal energy is applied to cure the composition. There is no adhesive layer.

If the position is that the thermally curable coating is an adhesive layer, which it is not, then there is no layer of a Printed Design which is required by George. In either case, George can not anticipate applicants invention. Further, it would not be obvious to one skilled in the art in view of the teachings of George to eliminate the

adhesive layer since it is a necessary component of Georges invention to adhere the design to the substrate.

Claims 3 and 4 were further rejected under 35 U.S.C. 103(a) as being obvious and un-patentable over George. The same arguments apply as above since there is no adhesive layer that is used by Applicants. Simply precoating the substrate as provided in Applicants' Claim 3 does not change the basic problems as pointed out above with the George reference. The precoating is not what would normally be considered an adhesive layer as taught by George. Also, there is no suggestion or teaching in George that the backing foil can be textured as is set forth in Claim 4. This is simply an unsupported allegation by the Examiner that textured backing foils are an obvious variant in a process such as Applicants.

Claims 1-3, 5, 8, 12 and 13 were rejected under 102 U.S.C. 102 (b) as being anticipated by WO 95/02461. '461 is directed to a process for the partial metallization of a substrate wherein an extremely thin layer of metallic particles are deposited on a transfer agent (plastic film) and then a varnish layer is applied to the transfer agent or substrate or both in discrete strips and the transfer agent and the substrate are laminated together and the varnish is cured. The metallic particles become absorbed or embedded into the varnish coat which bonds the particles to the substrate thereby providing discrete metal strips. That clearly is not Applicants' invention as set forth in the amended claims. Applicants do not apply a metallic coating or strips of a metallic coating to a substrate.

Applicants' amended claims clearly state that a backing foil "consisting of a foil coated on one side with a uncured or partially cured coating layer of a thermally curable coating composition, with its coated side is applied on the entire surface or on at least one sub-zone of the surface of the substrate". There is no metallic layer or coating. The claims do not embrace or cover a metallic layer or coating of metallic particles. '416 does not anticipate Applicants' amended claims.

The Examiner contends that Applicants' Claim 3 is met since '461 applies varnish to the substrate; however, none of Applicants claims nor Claim 3 embrace applying a metallic layer as required by '461. The whole concept of '461 is the application of a metallic layer to a substrate by embedding metallic particles in a varnish which is simply not done in Applicants' process.

Claim 4 was rejected under 35 U.S.C. 103 (a) as being unpatentable over '461 since textured foil is an obvious design variation. This also is an unsupported allegation by the Examiner and is not taught or suggested in '461 and should be withdrawn.

SUMMARY

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. In order to expedite disposition of this case, the Examiner is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. Should there be a fee due which is not accounted for, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,



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